

Remarks

The amendments presented above, along with the following comments are sufficient grounds to allow the claims. Such action is respectfully requested of the Office.

Claim Rejections – 35 USC § 102

The Office has rejected claims 99-103 and 110-115 under 35 USC 102(e) as being anticipated by United States Patent number 5,732,216 awarded to Logan.

With regards to claim 99, the applicants submit that at least two elements of the original claim are not disclosed in Logan. To be more precise, the applicants have amended claim 99 to further clarify this distinction.

The applicants assert that Logan does not describe searching, based on the user information, to obtain content programming information that identifies a source and a time of availability. The Office has referred to column 18, lines 17-22 in Logan as disclosing this element. However, Logan simply describes providing a time and date of creation for content. It does not describe a date of “availability” which could be substantially different than a date of creation. Further, there is no mention of identifying the source of the content.

The applicants also assert that Logan does not describe enabling the player device to receive the content item by accessing the identified source at the identified time. Logan does disclose accessing a server to download content but, it does not teach accessing a particular source at a particular time that content is available and receiving such content.

As such, the applicant respectfully requests the Office’s consideration of this claim.

With regards to claims 110 and 112, the above arguments also apply. However, claim 110 has been further amended to include an actuator button on the playback device that results in a communication with the content server. Also, claim 112 is more particular

distinguished by stating that the receiver tunes to a specific channel at a specific time to receive the content. The specific time is the time that was identified in the search as the time the content is available.

The applicant respectfully submits that the independent claims 99, 110 and 112 are in condition for allowance and further asserts that the dependent claims are also in condition for allowance as depending from allowable claims.

Further, the applicant asserts that many of the dependent claims presented are individually allowable and are not further described or rendered obvious by the cited references. These issues will be further addressed in the interview to be scheduled. However, as presented herein, the applicants respectfully assert that all claims are allowable and that the issues raised in the Office Action are fully addressed.

Respectfully submitted,

Smith Frohwein Tempel Greenlee Blaha LLC

/Gregory Scott Smith/

By: _____

Gregory S. Smith
Reg. No. 40,819

Two Ravinia Drive, Suite 700
Atlanta, Georgia 30346
Telephone: (770) 804-9070
Facsimile: (770) 804-0900